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PART 1

TRANSIENT AMUSEMENTS

§13-101. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

AMUSEMENT RIDE — any device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement, including but not limited to, merry-go-rounds, ferris wheels, roller coasters, which may be permanently or temporarily installed or used in the City.

CARNIVAL OR CIRCUS — an itinerant enterprise consisting principally of temporary amusement structures and/or mechanical rides.

PERSON — any natural person, partnership, firm or corporation.

In this Part the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 1-49, 8/4/1949; as revised by Ord. 11-98, 9/23/1998)

§13-102. Permit and Fees Required.

1. It shall be unlawful for any person to hold or conduct any circus or carnival, at any location within the City, or to operate any amusement ride therein, without first having obtained a permit therefor from the City Manager or his designee, for which a fee for the use of the City, shall be paid as established pursuant to a resolution of the Board of Commissioners, provided that no separate permit shall be required for any amusement ride that shall be a part of any carnival that shall be authorized under this Part.
2. At the discretion of the Board of Commissioners the permit fee may be remitted in the case of a circus or carnival the proceeds of which are applied to purely charitable uses or in the case the application for such permit shall have been made by and on behalf of any organization connected with the municipal government or with any public school district.
3. It shall be unlawful for any person or corporation to exhibit a circus, carnival or similar outdoor commercial amusement in the City within 75 feet of a public highway, or within 200 feet of a residence building, or without providing adequate parking facilities other than on the public highway, or without first providing adequate sanitary and toilet facilities not detrimental to the health of the citizens of the City, the same to be approved by the City Manager or his designee.

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(Ord. 1-49, 8/4/1949; as revised by Ord. 11-98, 9/23/1998)

§13-103. Rejection of Permits; Appeals.

1. The City Manager or his designee shall refuse to grant a permit in any case where the owner of such circus or carnival, or the operator of any amusement ride, as the case may be, fails or refuses to present an official inspection affidavit prepared by a qualified inspector in accordance with the Amusement Ride Inspection Act (4 P.S. §407) and the regulations of the Amusement Ride Safety Board (7 Pa. Code §139.1 et seq.) along with a certificate of insurance as required by §414 of that same Act.
2. If any permit shall be denied, an appeal from such denial, may be made by the applicant or by the person to whom such permit had been issued, as the case may be, to the Board of Commissioners, within 10 days of rejection, but no portion of a permit fee shall be refunded in case of suspension or revocation. Such hearing shall be conducted within 30 days of the appeal and a decision rendered by the Board of Commissioners.

(Ord. 1-49, 8/4/1949; as revised by Ord. 11-98, 9/23/1998)

§13-104. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and in default of payment, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1-49, 8/4/1949; as revised by Ord. 11-98, 9/23/1998)

PART 2

POOL ROOMS AND BILLIARD ROOMS

§13-201. License to Operate.

From and after the first day of September, 1974, it shall be unlawful to operate a public or private pool room or public or private billiard room within the City of Hermitage without first being duly licensed therefor.

(Ord. 6-74, 8/14/1974, §1; as amended by Ord. 18-83, 12/22/1983)

§13-202. Application; Fee.

Application for such a license shall be made by the proprietor of a public or private pool room or a public or private billiard room to the City Manager or his designee who is hereby authorized to issue the same hereunder. Application shall be made upon forms provided by the City. The annual fee payable for such license granted hereunder shall be set by the Board of Commissioners. Each license granted hereunder shall expire on the first day of September of each year. The fee payable for each license hereunder shall be for the whole or any portion of a calendar year.

(Ord. 6-74, 8/14/1974, §2; as amended by Ord. 43-75, 12/17/1975, §1; by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998)

§13-203. License to be Posted.

Every licensed public or private pool room and every licensed public or private billiard room shall keep continuously posted therein its license in a conspicuous place.

(Ord. 6-74, 8/14/1974, §3)

§13-204. Days and Hours for Business; Exclusion of Minors.

1. It shall be unlawful for any proprietor of any public pool room or public billiard room licensed hereunder to remain open on Sundays or between the hours of 1:00 a.m. and 6:00 a.m. of any secular day or to knowingly allow or permit any person under the age of 16 years to be present in any public pool room or public billiard room.
2. It shall be unlawful for any proprietor of any private pool room or private billiard room licensed hereunder to remain open on Sundays except between the hours of 3:00 p.m. and 11:00 p.m. or to remain open between the hours of 2:00 a.m. and

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6:00 a.m. of any secular day or to knowingly allow or permit any person under the age of 16 years to be present in any private pool room or private billiard room.

(Ord. 6-74, 8/14/1974, §4; as amended by Ord. 13-74, 9/11/1974, §1)

§13-205. Definitions.

PUBLIC POOL ROOM AND PUBLIC BILLIARD ROOM — any place open to the public at large which contains for public use for pay two or more pool tables, two or more billiard tables, or a combination of one or more pool tables and one or more billiard tables.

PRIVATE POOL ROOM AND PRIVATE BILLIARD ROOM — any place not a public pool room or public billiard room which contains for use for pay two or more pool tables, two or more billiard tables or a combination of one or more pool tables and one or more billiard tables.

(Ord. 6-74, 8/14/1974, §5)

§13-206. Penalties for Violation.

Any person violating any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$600 plus costs and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. Each day in which a violation of this Part occurs shall be deemed a separate offense.

(Ord. 6-74, 8/14/1974, §6; as amended by Ord. 43-75, 12/17/1975, §2; and by Ord. 11-98, 9/23/1998)

PART 3

TRANSIENT RETAIL BUSINESS

§13-301. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY — New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PERSON — any natural person, partnership, association, corporation, or other legal entity.

TRANSIENT RETAIL BUSINESS –

- A. Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the City of Hermitage; or
 - B. Selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the City of Hermitage, on a temporary basis, which shall include, but not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.
2. The singular shall include the plural; the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 7-2006, 7/26/2006, §1)

§13-302. License Required; Conditions of Issuance; Fee.

No person shall engage in any transient retail business within the City of Hermitage without first having obtained from the Chief of Police or his designee a license, for which a fee, which shall be for the use of the City of Hermitage, shall be charged, said fee to be in such amount established, from time to time by resolution of the Board of Commissioners of the City of Hermitage.¹

(Ord. 7-2006, 7/26/2006, §2)

¹ Editor's Note: The Schedule of Fees is included in the front of this Code.

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§13-303. Exceptions.

1. No license fee shall be charged:
 - A. To farmers selling their own produce.
 - B. For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
 - C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
 - D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
 - E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
 - F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
 - G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.
2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Chief of Police or his designee and obtain a license without a fee, provided that any person dealing in one or more of the above-mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Part for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories; provided, further, the Chief of Police, or his designee, may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of a nonprofit corporation. Every license issued under the provisions of Subsection 1A of this Section shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization, may obtain licenses for the applicants, every license issued under the provisions of Subsection 1B of this Section of this ordinance shall be issued to the person in charge of the business at each fixed location, issued to him in his name.

(Ord. 7-2006, 7/26/2006, §3; as amended by Ord. 9-2007, 9/26/2007)

§13-304. License Application.

Every person desiring a license under this Part shall first make application to the Chief of the Police or his designee for such license. He shall, when making such application, exhibit a valid license from any State or county officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. The name or names of all persons having the management or supervision of the applicant's business during the time it will be located within the City of Hermitage, the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (whether a proprietor, agent, or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state it is incorporated.
- C. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the City of Hermitage, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by indirect sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application was filed.
- D. The place or places in the City of Hermitage where it is proposed to carry on applicant's business and the length of time during which it is proposed said business shall be conducted.
- E. Type and license number of the vehicles to be used, if any.

(Ord. 7-2006, 7/26/2006, §4)

§13-305. Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Chief of Police or his designee shall cause such investigation of the applicant to include criminal history records check with local, state and federal authorities, consumer protection agencies and information concerning any previous complaints regarding the applicant or business. If, as a result of the investigation, it is deemed in the best interests of the public, the application shall be denied. Otherwise, if he shall find such application in order, he shall issue

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the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request to all police officers, municipal officials, and citizen or residents of the City of Hermitage.

(Ord. 7-2006, 7/26/2006, §5)

§13-306. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in this license.
- B. Hawk or cry his wares upon any street, alleys, sidewalks, or public grounds in the City of Hermitage.
- C. Commit any fraud, misrepresentation, or false statement, or harassment made in connection with the selling of goods, wares or merchandise, or in connection with any solicitation.
- D. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the City of Hermitage for longer than necessary in order to sell there from to persons residing or working in the immediate vicinity.
- E. Park a vehicle upon any of the streets or alleys in the City of Hermitage for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- F. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 6:00 p.m. on any day of the week other than a Sunday or legal holiday. This restriction shall apply only to a transient retail business as defined under §13-301 of this Part.

(Ord. 7-2006, 7/26/2006, §6)

§13-307. Advertising.

No licensee shall exhibit more than two freestanding signs not to exceed more than 16 square feet each. The sign(s) must be set back at least 10 feet from the edge of the roadway shoulder and must be placed so as to not impair visibility. The sign(s) cannot

have any lights or electrical connections and must not be exhibited outside of the hours of operation for the transient business. This section is applicable only to properly licensed transient businesses.

(Ord. 7-2006, 7/26/2006, §7)

§13-308. Supervision; Records and Reports.

The Chief of Police or his designee shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Board of Commissioners of the City of Hermitage.

(Ord. 7-2006, 7/26/2006, §8)

§13-309. Denial, Suspension and Revocation of License; Appeal.

The Chief of Police or his designee is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Board of Commissioners of the City of Hermitage at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 7-2006, 7/26/2006, §9)

§13-310. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 7-2006, 7/26/2006, §10)

PART 4

BURGLARY AND ROBBERY ALARMS

§13-401. Purpose.

The purpose of this Part is to set forth regulations governing the installation and operation of burglary and robbery alarm systems within the City of Hermitage, require permits therefor, establish fees, and provide for punishment of violation of provisions of this Part.

(Ord. 16-79, 12/12/1979, §1)

§13-402. Definitions.

ALARM SYSTEM — any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure, or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility, or both; and which transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms.

AUDIBLE ALARM — a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is activated.

DAY — calendar day.

FALSE ALARM — an alarm signal necessitating response by the Hermitage Police Department where an emergency situation does not exist.

MUNICIPALITY — City of Hermitage.

NOTICE — notice given by personal service upon the addressee, or given by the United States Postal Service, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of the United States Postal Service.

SUBSCRIBER — any person who purchases, leases, contracts for or otherwise obtains an alarm system, or for the servicing or maintenance of an alarm system from an alarm business.

(Ord. 16-79, 12/12/1979, §1)

§13-403. Standards and Regulations Prescribed.

The Police Chief shall prescribe minimum standards and regulations for the operation and maintenance of all alarm systems in use within the City. These standards and regulations shall become effective upon adoption thereof by resolution of the Board of Commissioners of the City. All devices shall meet or exceed such standards and regulations before permits may be issued pursuant to this Part. The Police Chief may require that all alarm systems installed within the City shall be maintained in a proper operating condition.

(Ord. 16-79, 12/12/1979, §1)

§13-404. Permit Required; Fee; Conditions of Issuance.

1. Alarm System Permit. No person shall possess or use an alarm system without first applying for and receiving an alarm permit therefor in accordance with the provisions of this Part.
2. System Permit Fee. The fee for an alarm system permit shall be established from time to time by resolution of the Board of Commissioners, and shall not be prorated. Said permit is valid until such time as the system is removed, altered or replaced. At such time as the system is removed, altered or replaced, a new permit shall be required. [Ord. 11-98]
3. Alarm Permit Requirements. The permit is to be displayed on the premises where the alarm system is located. The permit shall be displayed so as to be available to an investigating officer. Each permit shall be assigned a number for identification. Every person maintaining or operating an alarm shall keep on file at the Police Department the names and telephone numbers of the persons to be notified to render repairs, or service, or secure the premises during any hour of the day or night that the alarm is actuated. This information shall be filed and identified by the number on the issued permit.

(Ord. 16-79, 12/12/1979, §1; as amended by Ord. 11-98, 9/23/1998)

§13-405. Application for and Issuance of Permit.

1. Application for all permits required hereunder shall be filed with the Hermitage Police Department and shall be accompanied by the requisite fee. The fee is established to cover the administration of the permit issuance process. The Hermitage Police Department shall prescribe the form of the application, and request such information as is necessary to evaluate and act upon the permit application. The application for alarm systems permits shall require the name, address and telephone number of the person/persons who will render service or repairs during any hour of the day or night.

2. The issuing and approving of the permits shall be by the Hermitage Police Department.

(Ord. 16-79, 12/12/1979, §1)

§13-406. Inspection of Systems.

1. If it becomes apparent to the Chief of Police, by way of repeated false alarms, that any system in service on any premises or in any business or facility within the City is continually malfunctioning, so as to cause repeated invalid police calls, then the Chief of Police is empowered to charge a fee for any false alarm actuation which is received after the issuance of an official notification made by the Police Department to the owner of the premises, business or facility using a malfunctioning alarm system.
2. Fees and Penalties For Recurring False Alarm Actuation. If a business or residence, or facility, has more than three false or malfunctioning alarms within 60 days, they will be assessed a fee in an amount established from time to time by resolution of the Board of Commissioners. [Ord. 11-98]
 - A. The 60 day period shall start on the first false alarm. After 60 days of the first false alarm a new period will start.
 - B. Prior to the reconnection of a faulty alarm the premises will be inspected by the Police Department, the owner or manager of the property and the alarm company representative. After the inspection has been conducted and the malfunctions have been corrected, reconnection will be accomplished. Any and all charges which result from the disconnection and or reconnection will be paid by the owner/operator of the malfunctioning system.
 - C. All dialer alarms (alarms that automatically call the police station via phone lines, and have preprogrammed messages) will be approved in writing by the Police Chief prior to their installation. These dialer alarms will be required to use a special number assigned by the Mercer County 911 Center. The same system as outlined in subsections (1) and (2) will hold true for the dialer alarms. [Ord. 11-98]
 - D. Any and all alarm tests will be conducted with prior knowledge of the Police Department.

(Ord. 16-79, 12/12/1979, §1; as amended by Ord. 11-98, 9/23/1998)

§13-407. Confidentiality.

The information furnished and secured pursuant to this Part shall be confidential in character and shall not be subject to public inspection and shall be kept so that the con-

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tents thereof shall not be known except to persons charged with the administration of this Part.

(Ord. 16-79, 12/12/1979, §1)

§13-408. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 16-79, 12/12/1979, §1; as amended by Ord. 11-98, 9/23/1998)

PART 5

AUTOMATIC AMUSEMENT DEVICES

§13-501. Definitions.

AUTOMATIC AMUSEMENT DEVICE –

- A. The term automatic amusement device shall include mechanical amusement devices and shall mean any machine, which, upon the insertion of a coin, slug, token, plate, or disc, may be operated by persons generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machine, baseball or bowling machines, video machine, and all games, operations, or transactions similar thereto under whatever name they may be indicated.
- B. Specifically excluded from the foregoing definitions under this Part are mechanical devices commonly known as “vending machines.”
- C. Pool tables, billiard tables, whether coin operated or not, are specifically covered by this Part.

DISTRIBUTOR — any person, firm or corporation partnership or association, who sets up for operation by another, any device as herein defined, whether such setting up for operation, leasing or distributing is for a fixed charge or retail, or on a basis of a division of income derived from such device, or otherwise.

PROPRIETOR — any person, firm, corporation, partnership, association or club who, as the owner, lessee or proprietor, has under his or its control any establishment, place or premises, in or at which such device is placed or kept for use, or play, or on exhibition for the purpose of use or play.

(Ord. 9-82, 11/10/1982, §1)

§13-502. License.

- 1. License Required.
 - A. No person shall operate, maintain or use in any public or quasi-public place or in any building, store or other place where the public is invited, any automatic amusement devices without first obtaining a license.
 - B. No automatic amusement device license shall be issued to any person who has been convicted of a crime involving morals crimes, or convicted of any crime involving disorderly persons, or convicted of a crime of gambling.

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2. Application for Automatic Amusement Device License. Applications for automatic amusement devices shall be made in writing to the City Manager or his designee on a supplied form. All information requested will be supplied in full, before review takes place. [Ord. 11-98]

(Ord. 9-82, 11/10/1982, §1; as amended by Ord. 11-98, 9/23/1998)

§13-503. Fees.

1. Fee for License; Proprietor. The license fee for each proprietor shall be established from time to time by resolution of the Board of Commissioners. [Ord. 11-98]
2. License Displayed. All licenses will be displayed in a conspicuous place.
3. License Term. All licenses will run from January 1 through December 31. Any permit processed after June 1, will be 1/2 of the fee schedule.
4. Fee Exemptions. The provisions of this Part requiring fees shall not apply to any church, charitable or nonprofit organization which operates a coin-operated amusement device exclusively for the use of its members and their guests on the premises owned and/or controlled by it. They, however, will be required to be licensed.
5. Exchange of Machines. A machine or device may be transferred or exchanged for another similar machine or device upon notification within 24 hours to the Manager or his designee to such effect and the giving of a description and serial number of the new device. A fee may not be levied on the exchange provided the exchange does not increase the number of machines. [Ord. 11-98]

(Ord. 9-82, 11/10/1982, §1; as amended by Ord. 11-98, 9/23/1998)

§13-504. Inspection.

The Police Department shall make periodic inspections of all automatic amusement devices licensed under this Part to insure that the license is in compliance with all of the terms and provisions of said license. The inspection will be made during hours of operation and will not be pre-announced. Refusal to cooperate will be grounds for forfeiture of license.

(Ord. 9-82, 11/10/1982, §1)

§13-505. Investigation.

All applications will be investigated by the Police Department for correctness as to information contained thereon. All devices will be inspected for serial number and name for tagging.

(Ord. 9-82, 11/10/1982, §1)

§13-506. Approval or Denial.

1. Approval. If the application(s) is approved, the license shall be issued by the City Manager or his designee, and the fee shall be remitted to the City Clerk. [Ord. 11-98]
2. Denial. If the application(s) is denied, the grounds for denial shall be set forth in writing. The applicant shall be entitled to a hearing before the Board of Commissioners within 30 days. At this time he/she will be permitted to submit pertinent information on their behalf. The applicant will be given 10 days notice of the date and time of the hearing.

(Ord. 9-82, 11/10/1982, §; as amended by Ord. 11-98, 9/23/1998)

§13-507. Regulations.

1. No proprietor holding a license to operate coin-operated amusement devices shall permit a person under 10 years of age to play or operate a coin-operated amusement device unless such person is accompanied by an adult. This limitation shall not apply to the use of jukeboxes or to the use of mechanical carousel horses or similar amusement devices designed especially for the amusement of children. This limitation also shall not apply to pool and billiard rooms which have their own specific set of regulations, as provided for in Chapter 13, Part 2.
2. The proprietor shall not permit any person to bet or gamble on the licensed premises.
3. The proprietor shall at all times maintain good order and shall not permit any disturbance, congestion or loitering upon the licensed premises.
4. No music machine shall be operated in a manner to be heard out of doors.
5. No licensed premises shall be without adequate sanitary facilities nor contain any fire, safety or health hazard.
6. Each distributor and/or proprietor shall, within five days, report in writing to the City Manager or his designee any change by addition or deletion of the informa-

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tion furnished on the license application during the term of any license or renewal thereof. [Ord. 11-98]

7. No distributor or proprietor shall refuse to cooperate fully with the City Manager or his designee and any law enforcement officer or agency. [Ord. 11-98]

(Ord. 9-82, 11/10, 1982, §1; as amended by Ord. 11-98, 9/23/1998)

§13-508. Enforcement.

The City Manager, or his designee, and all members of the Police Department, are authorized to enforce the provisions of this Part.

(Ord. 9-82, 11/10/1982, §1)

§13-509. Revocation of License.

1. Every license issued hereunder is subject to revocation by the City Manager or his designee for the violation of any of the provisions of this Part. Any material misstated or omitted in the license application shall constitute grounds for revocation. The revocation shall occur only after a hearing. [Ord. 11-98]
2. The licensee shall be given 10 days notice of the date of such hearing, and such notice shall state the grounds therefor. At such hearing, the licensee may submit pertinent information on his own behalf.

(Ord. 9-82, 11/10/1982, §1; as amended by Ord. 11-98, 9/23/1998)

§13-510. Violations and Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense. [Ord. 11-98]
2. Upon such conviction, no licensee shall thereafter transact the business of distributing or operating coin-operated amusement devices in the City.

(Ord. 9-82, 11/10, 1982, §1; as amended by Ord. 11-98, 9/23/1998)

PART 6

CABLE RATES

§13-601. Definitions.

BASIC CABLE RATE — the monthly charge for a subscription to the basic service tier and the associated equipment.

BASIC SERVICE TIER — a separately available service tier to which subscription is required for access to any other tiers of service including, as a minimum but not limited to, all must carry signals, all PEG channels and all domestic television signals other than superstations.

BENCHMARK — a per channel rate of charge for cable service and associated equipment which the FCC has determined is reasonable.

CABLE ACT OF 1992 — the Cable Television Consumer Protection and Competition Act of 1992.

CABLE OPERATOR — any person or group of persons who:

- A. Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such a cable system.
- B. Otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

CHANNEL — a unit of cable service identified and selected by a channel number or similar designation.

COST OF SERVICE SHOWING — a filing in which the cable operator attempts to show that the benchmark rate or the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic service tier and to continue to attract capital.

FCC — the Federal Communications Commission.

INITIAL BASIC CABLE RATES — the rates that the cable operator is charging for the basic service tier, including charges for associated equipment, at the time the City notifies the cable operator of the City's qualification and intent to regulate basic cable rates.

MUST-CARRY SIGNAL — the signal of any local broadcast station (except superstations) which is required to be carried on the basic service tier.

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PEG CHANNEL — the channel capacity designated for public, educational or governmental use, and facilities and equipment for the use of that channel capacity.

PRICE CAP — the ceiling set by the FCC on future increases in basic cable rates regulated by the City, based on a formula using the GNP fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

REASONABLE RATE STANDARD — a per channel rate that is at, or below, the benchmark or price cap level.

SUPERSTATION — any nonlocal broadcast signal secondarily transmitted by satellite.

(Ord. 6-94, 6/16/1994, §1)

§13-602. Initial Review of Basic Cable Rates.

1. Notice. Upon the adoption of this Part and the certification of the City by the FCC, the City shall immediately notify all cable operators in the City of Hermitage, by certified mail, return receipt requested, that the City intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.
2. Cable Operator Response. Within 30 days of receiving notice from the City, a cable operator shall file with the City its current rates for the basic service tier and associated equipment and any supporting material concerning the reasonableness of its rates.
3. Expedited Determination and Public Hearing.
 - A. If the Board of Commissioners is able to expeditiously determine that the cable operator's rates for the basic service tier and associated equipment are within the FCC's reasonable rate standard, as determined by the applicable benchmark, the Board of Commissioners shall:
 - (1) Hold a public hearing at which interested persons may express their views; and,
 - (2) Act to approve the rates within 30 days from the date the cable operator filed its basic cable rates with the City.
 - B. If the Board of Commissioners takes no action within 30 days from the date the cable operator filed its basic cable rates with the City, the proposed rates will continue in effect.

4. Extended Review Period.
 - A. If the Board of Commissioners is unable to determine whether the rates in issue are within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the Board of Commissioners shall, within 30 days from the date the cable operator filed its basic cable rates with the City and by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:
 - (1) Ninety days if the Board of Commissioners needs more time to ensure that a rate is within the FCC's reasonable rate standard; or,
 - (2) One hundred fifty days if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.
 - B. If the Board of Commissioners has not made a decision within the 90 or 150 day period, the Board of Commissioners shall issue a brief written order at the end of the period requesting the cable operator to keep an accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.
5. Public Hearing. During the extended review period and before taking action on the proposed rate, the Board of Commissioners shall hold at least one public hearing at which interested persons may express their views and record objections.
6. Objections. An interested person who wishes to make an objection to the proposed initial basic rate may request the City Secretary to record the objection during the public hearing or may submit the objection in writing anytime before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the City Secretary with the objector's name and address.
7. Benchmark Analysis. If a cable operator submits its current basic cable rate schedule as being in compliance with the FCC's reasonable rate standard, the Board of Commissioners shall review the rates using the benchmark analysis in accordance with the standard form authorized by the FCC. Based on the Board of Commissioners' findings, the initial basic cable rates shall be established as follows:
 - A. If the current basic cable rates are below the benchmark, those rates shall become the initial basic cable rates and the cable operator's rates will be capped at that level.
 - B. If the current basic cable rates exceed the benchmark, the rates shall be the greater of the cable operator's per channel rate on September 30, 1992, reduced by 10%, or the applicable benchmark, adjusted for inflation and any

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change in the number of channels occurring between September 30, 1992, and the initial date of regulation.

- C. If the current basic cable rates exceed the benchmark, but the cable operator's per channel rate was below the benchmark on September 30, 1992, the initial basic cable rate shall be the benchmark, adjusted for inflation.
8. **Cost-of-Service Showings.** If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify initial basic cable rates above the FCC's reasonable rate standard. The Board of Commissioners will review a cost-of-service submission pursuant to FCC standards for cost-of-service review. The Board of Commissioners may approve initial basic cable rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992, rates minus 10% will prescribe the cable operator's new rates.
9. **Decision.**
- A. **By Formal Resolution.** After completion of its review of the cable operator's proposed rates, the Board of Commissioners shall adopt its decision by formal resolution. The decision shall include one of the following:
 - (1) If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the Board of Commissioners shall approve the initial basic cable rates proposed by the cable operator; or,
 - (2) If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the Board of Commissioners shall establish initial basic cable rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.
 - B. **Rollbacks and Refunds.** If the Board of Commissioners determines that the initial basic cable rates as submitted exceed the reasonable rate standard or that the cable operator's cost-of-service showing justifies lower rates, the Board of Commissioners may order the rates reduced in accordance with subsection (7) or (8) above, as applicable. In addition, the Board of Commissioners may order the cable operator to pay to subscribers, refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the Board of Commissioners' decision resolution.
 - C. **Statement of Reasons for Decision and Public Notice.** If rates proposed by a cable operator are disapproved in whole or in part or if there were objections

made by other parties to the proposed rates, the resolution must state the reasons for the decision and the Board of Commissioners must give public notice of its decision. Public notice will be given by advertisement once in the official newspaper of the City.

10. Appeal. The Board of Commissioners' decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable Federal regulations.

(Ord. 6-94, 6/16/1994, §2)

§13-603. Review of Request for Increase in Basic Cable Rates.

1. Notice. A cable operator in the City of Hermitage who wishes to increase the rates for the basic service tier or associated equipment shall file a request with the City and notify all subscribers at least 30 days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates.
2. Expedited Determination and Public Hearing.
 - A. If the Board of Commissioners is able to expeditiously determine that the cable operator's rate increase request for basic cable service is within the FCC's reasonable rate standard, as determined by the applicable price cap, the Board of Commissioners shall:
 - (1) Hold a public hearing at which interested persons may express their views; and,
 - (2) Act to approve the rate increase within 30 days from the date the cable operator filed its request with the City.
 - B. If the Board of Commissioners takes no action within 30 days from the date the cable operator filed its request with the City, the proposed rates will go into effect.
3. Extended Review Period.
 - A. If the Board of Commissioners is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the Board of Commissioners shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make final determination.

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- (1) Ninety days if the Board of Commissioners needs more time to ensure that a rate is within the FCC's reasonable rate standard as determined by the applicable price cap; or,
 - (2) One hundred fifty days if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.
 - B. The proposed rate increase is tolled during the extended review period.
 - C. If the Board of Commissioners has not made a decision within the 90 or 150 day period, the Board of Commissioners shall issue a brief order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.
4. **Public Hearing.** During the extended review period and before taking action on the requested rate increase, the Board of Commissioners shall hold at least one public hearing at which interested persons may express their views and record objections.
 5. **Objections.** An interested person who wishes to make an objection to the proposed initial basic rate may request the City Secretary to record the objection during the public hearing or may submit the objection in writing anytime before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the City Secretary with the objector's name and address.
 6. **Delayed Determination.** If the Board of Commissioners is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the Board of Commissioners later issues a decision disapproving any portion of the increase.
 7. **Price Cap Analysis.** If a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the Board of Commissioners shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the Board of Commissioner's findings, the basic cable rate shall be established as follows:
 - A. If the proposed basic cable rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable rates.
 - B. If the proposed basic cable rate increase exceeds the price cap established by the FCC, the Board of Commissioners shall disapprove the proposed rate increase and order an increase that is in compliance with the price cap.
 8. **Cost-of-Service Showings.** If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the Board of Commis-

sioners will review the submission pursuant to FCC standards for cost-of-service review. The Board of Commissioners may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current rate will prescribe the cable operator's new rate.

9. Decision. The Board of Commissioners' determination concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution must state the reasons for the decision. Objections may be made at the public hearing by a person requesting the objection be recorded or may be submitted in writing at any time before the decision resolution is adopted.
10. Refunds.
 - A. The Board of Commissioners may order refunds of subscribers' rates payments with interest if:
 - (1) The Board of Commissioners was unable to make a decision within the extended time period as described in subsection (3) above.
 - (2) The cable operator implemented the rate increase at the end of the extended review period.
 - (3) The Board of Commissioners determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the Board of Commissioners disapproves any portion of the rate increase.
 - B. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the Board of Commissioners' decision resolution.
11. Appeal. The Board of Commissioners' decision concerning rates for the basic service tier and associated equipment may be appealed to the FCC in accordance with applicable Federal regulations.

(Ord. 6-94, 6/16/1994, §3)

§13-604. Cable Operator Information.

1. City May Require.
 - A. In those cases when the cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the Board of Commissioners may require the cable operator to produce information in

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addition to that submitted, including proprietary information, if needed to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this Section.

- B. In cases where initial or proposed rates comply with the reasonable rate standard, the Board of Commissioners may request additional information only in order to document that the cable operator's rates are in accord with the standard.
2. Request for Confidentiality.
 - A. A cable operator submitting information to the Board of Commissioners may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies.
 - B. If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified.
 - C. Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based.
 - D. Casual requests which do not comply with the requirements of the subsection shall not be considered.
 3. Board of Commissioners Action. Requests which comply with the requirements of subsection (2) herein will be acted upon by the Board of Commissioners. The Board will grant the request if the cable operator presents by a preponderance of the evidence a case for nondisclosure consistent with the applicable Federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from public inspection. If the request does not present a case for nondisclosure and the Board of Commissioners denies the request, the Board shall take one of the following actions:
 - A. If the information has been submitted voluntarily without any direction from the City, the cable operator may request that the City return the information without considering it. Ordinarily, the city will comply with this request. Only in the unusual instance that the public interest so requires will the information be made available for public inspection.
 - B. If the information was required to be submitted by the Board of Commissioners, the information will be made available for public inspection.
 4. Appeal. If the Board of Commissioners denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five working

days of the Board's decision, and the release of the information will be stayed pending review.

(Ord. 6-94, 6/16/1994, §4)

§13-605. Automatic Rate Adjustments.

1. Annual Inflation Adjustment. In accordance with FCC regulations, the cable operator may adjust its capped base per channel rate for the basic service tier annually by the final GNP-PI index.
2. Other External Costs.
 - A. The FCC regulations also allow the cable operator to increase its rate for the basic service tier automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceeds the GNP-PI. These factors include retransmission consent fees, programming costs, State and local taxes applicable to the provision of cable television service and costs of franchise requirements. The total costs of an increase in a franchise fee may be automatically added to the base per channel rate, without regard to its relation to the GNP-PI.
 - B. For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per channel rate may be adjusted will be the date on which the basic service tier becomes subject to regulation, or February 28, 1994, whichever occurs first. The permitted per channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.
3. Notification and Review. The cable operator shall notify the City of Hermitage at least 30 days in advance of a rate increase based on automatic adjustment items. The City shall review the increase to determine whether the item or items qualify as automatic adjustments. If the City makes no objection within 30 days of receiving notice of the increase, the increase may go into effect.

(Ord. 6-94, 6/16/1994, §5)

§13-606. Enforcement.

1. Refunds. The City may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:
 - A. A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment.

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- B. The cable operator has failed to comply with a valid rate order issued by the City.
- 2. Fines. If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to a fine of \$500 for each day the cable operator fails to comply.

(Ord. 6-94, 6/16/1994, §6)

PART 7

FIRE ALARM SYSTEMS

§13-701. Purpose.

The purpose of this Part is to set forth regulations governing the installation and operation of fire alarm systems within the City of Hermitage, require permits therefor, establish fees and provide for the punishment of violations of this Part.

(Ord. 2-96, 1/18/1996, §1)

§13-702. Definitions.

FIRE ALARM SYSTEM — any mechanical or electrical device which is designated or used for the detection of smoke, heat or activation of a sprinkler system in a building, structure or facility or both and which transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone alarm systems, audible alarm systems, proprietor alarm systems, central station alarm systems and remote station alarm system. Specifically excluded from this definition are local alarm systems.

AUDIBLE ALARM SYSTEM — a device designed for the detection of smoke, heat or a sprinkler activation which generates an audible sound on the exterior of the premises.

CENTRAL STATION ALARM SYSTEM — a device designed for the detection of smoke, heat or a sprinkler activation, which generates a transmitted signal to a responding emergency service provider.

CITY — City of Hermitage.

DAY — calendar day.

FALSE ALARM — an alarm signal necessitating response by the Hermitage Department of Fire/Rescue where an emergency situation does not exist. [Ord. 11-98]

INTENTIONAL FALSE ALARM — a false alarm resulting from the intentional activation of a fire alarm system by a person under circumstances where that person has no reasonable basis to believe that an emergency situation has occurred or is occurring.

LOCAL ALARM SYSTEM — a device designed for the detection of smoke, heat or a sprinkler activation which generates an audible and/or visual signal inside the premises only and does not make any notification to emergency service providers. Alarm activation requires the occupant to take action to contact and request re-

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sponse by emergency service providers. Examples of local alarm systems would be general battery operated household smoke, fire and gas detectors that are not connected to any automatic emergency service notification system.

NOTICE — notice given by personal service upon the addressee or given by the United States Postal known address. Service, postage prepaid, addressed to the person to be notified at his last of such notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of the United States Postal Service.

PERSON — an individual, corporation, partnership, incorporated association or other similar entity.

PROPRIETARY ALARM SYSTEM — a device designed for the detection of smoke, heat or a sprinkler activation, which is under constant supervision of personnel occupying the property and monitoring the system. Activation initiates an action plan of notification according to the property owner/occupant's preestablished policies.

SUBSCRIBER — any person who purchases, leases, contracts for or otherwise obtains a fire alarm system or for the servicing or maintenance of a fire alarm system from an alarm business.

(Ord. 2-96, 1/18/1996, §1; as amended by Ord. 11-98, 9/23/1998)

§13-703. Standards and Regulations Prescribed.

All fire alarm systems shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association and/or other recognized industry standards and shall be permitted under this Part if in conformity thereto. A fire alarm system which does not meet any of the above standards or for which there is no recognized industry standard shall require the applicant for a permit to submit evidence of the reliability or suitability of the fire alarm system. Any permit issued for such a fire alarm system which does not conform to the recognized standard shall be conditionally subject to satisfactory performance of said fire alarm system after installation. The applicant for a permit may be required to submit to the Fire Marshal subsequent evidence of the reliability and suitability of the fire alarm system.

(Ord. 2-96, 1/18/1996, §1)

§13-704. Permit Required; Fee; Conditions of Issuance.

1. **Alarm System Permit.** No person shall possess or use a fire alarm system without first applying for and receiving a fire alarm system permit therefor in accordance with the provisions of this Part.

2. System Permit Fee. The fee for a fire alarm system permit shall be established from time to time by resolution of the Board of Commissioners of the City, and shall not be prorated. Said permit is valid until such time as the system is removed, altered or replaced. At such time as the system is removed, altered or replaced a new permit shall be required.
3. Fire Alarm System Permit Requirement. The permit is to be displayed on the premises where the alarm system is located. The permit shall be displayed so as to be available to an investigating officer. Each permit shall be assigned a number for identification purposes. Every person maintaining or operating a fire alarm system shall keep on file at the office of the Fire Marshal the names and telephone numbers of the persons to be notified to render repairs or service or secure the premises during any hour of the day or night that the fire alarm system is actuated. This information shall be filed and identified by the number on the issued permit.

(Ord. 2-96, 1/18/1996, §1)

§13-705. Application for and Issuance of Permit.

1. Application for all permits required hereunder shall be filed with the Hermitage Department of Fire/Rescue and shall be accompanied by the requisite fee. The fee is established to cover the administration of the permit issuance process. The Fire Marshal shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The application for fire alarm system permits shall require the name, address and telephone number of the person/persons who will render service or repairs during any hour of the day or night.
2. The issuing and approving of all fire alarm system permits shall be by the Hermitage Department of Fire/Rescue.

(Ord. 2-96, 1/18/1996, §1; as amended by Ord. 11-98, 9/23/1998)

§13-706. False Alarms.

1. If it becomes apparent to the Fire Marshal, by way of repeated false alarms, that any system in service on any premises or in any business or facility within the City is continually malfunctioning, so as to cause repeated invalid fire calls, then the Fire Marshal is empowered to charge a fee for any false alarm actuation which is received after the issuance of an official notification. Such notification will be made by the Hermitage Department of Fire/Rescue, in writing, to the owner of the premises, business or facility using a malfunctioning fire alarm system. Disconnection of the system is required after four false alarms in a 60 day period. The system shall remain disconnected until repairs are made. [Ord. 15-2000]

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2. Intentional False Alarms. No permit holder or person shall create an intentional false alarm.
3. Fees and Penalties for Recurring False Alarm Actuation. If a business or residence or facility has more than one false or malfunctioning alarms within 60 days, they will be assessed a fee in an amount as established from time to time by resolution of the Board of Commissioners. [Ord. 15-2000]
 - A. The 60 day period shall start on the first false alarm. After 60 days of the first false alarm a new period will start.
 - B. Prior to the reconnection of a faulty fire alarm system the premises will be inspected by the Hermitage Department of Fire/Rescue, the owner or manager of the property and the alarm company representative. After the inspection has been conducted and the malfunctions have been corrected, reconnection will be accomplished. Any and all charges which result from the disconnection and or reconnection will be paid by the owner/operator of the malfunctioning system. [Ord. 11-98]
 - C. Any and all alarm tests will be conducted with the prior knowledge of the Hermitage Department of Fire/Rescue. [Ord. 15-2000]

(Ord. 2-96, 1/18/1996, §1; as amended by Ord. 11-98, 9/23/1998; and by Ord. 15-2000, 11/21/2000; §§13-3)

§13-707. Confidentiality.

The information furnished and secured pursuant to this Part shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this Part.

(Ord. 2-96, 1/18/1996, §1)

§13-708. Administration and Enforcement.

Administration and enforcement of this Part shall be functions of the City of Hermitage and shall include the following:

- A. Authority to accept or reject a permit application or revoke a permit because of a misrepresentation or false statement contained in any application for a permit, failure to correct any deficiencies in equipment or operation of a fire alarm system after receipt of due notice from the City or not meeting other conditions and specifications of this Part.

- B. Authority to order the disconnection of a fire alarm system until such system is made to comply with operational standards set forth herein, but only when evidence of failure to comply with said standards imposes a burden upon the City as a result of false alarms.
- C. Authority, at reasonable times and upon written notice, to enter upon any premises within the City to inspect the installation and operation of a fire alarm system.

(Ord. 2-96, 1/18/1996, §1)

§13-709. Liability.

The issuance of any permit shall not constitute acceptance by the City of any liability to maintain any equipment, to answer alarms or to otherwise render the City liable to any person for any loss or damage relating to the fire alarm system or procedure.

(Ord. 2-96, 1/18/1996, §1)

§13-710. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2-96, 1/18/1996, §1)

PART 8

SOLICITATIONS BY CHARITABLE ORGANIZATIONS

§13-801. Definitions.

CHARITABLE ORGANIZATION — any person, firm, group, partnership, corporation or association whose avowed purpose and object is to benefit, assist, aid and further the following causes:

- A. Philanthropy.
- B. Assistance to persons who are poor, impoverished, destitute, underprivileged, needy, diseased, injured, crippled, disabled, handicapped or in need of physical or mental rehabilitation.
- C. Churches, religious societies or other religious sects, groups or orders espousing spiritual and altruistic motives or conduct.
- D. The teaching of patriotism or promoting relief and assistance to this nation's war veterans.
- E. Political action, consumer, environmental groups or similar type organization.
- F. Beneficial education of the mind or assistance to educational institutions.
- G. The protection, shelter and sustenance of animals.

CHARITABLE SOLICITATION — seeking money donations, pledges thereof or anything of value to benefit, assist, aid and further the cause of a charitable organization, either orally or by literature distribution.

LITERATURE — books, pamphlets, handbills, tracts, cards, circulars, pictures, films, magazines or any other written or printed material.

(Ord. 14-95, 12/21/1995, §1)

§13-802. Permits.

It shall be unlawful for any charitable organization to solicit funds, as defined in §13-801 of this Part, within the limits of the City of Hermitage, without first applying for and obtaining a permit therefor and wearing at all times an identification card as provided herein.

(Ord. 14-95, 12/21/1995, §2)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§13-803. Applications.

1. A sworn application in writing for a permit under this Part must be filed in duplicate with the Hermitage Police Department at least 10 business days in advance of the first day sought for solicitation on a form to be furnished by the City of Hermitage and shall state:
 - A. The full name and address (legal and local) of the person or organization sponsoring, conducting or promoting the fund drive.
 - B. Whether or not the applicant is a branch or division of a national organization and if so the name thereof, and the mailing and street address of same.
 - C. The purpose or object of the charitable solicitation.
 - D. The dates of solicitation.
 - E. The number of persons to participate in the solicitation and the true legal name and address of each and the sex, date of birth, height, color of hair and eyes of each.
 - F. A statement as to whether any person who will participate in the solicitation has ever been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude.
2. No fee shall be required for the filing of the application.

(Ord. 14-95, 12/21/1995, §3)

§13-804. Reasons for Refusal of Permit.

The application shall be registered in a book called the Registry Book. The application shall be granted and the permit issued within 48 hours after the application has been granted unless, upon investigation by the Hermitage Police Department, one or more of the following facts are found to exist:

- A. That one or more of the statements in the application is not true.
- B. That the applicant or any agent or representative of the applicant who will participate under the permit has been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude, in which case the permit shall be denied to the applicant or to the agent or representative so convicted.

- C. When the applicant or any agent or representative of the applicant who will participate under the permit has previously violated any of the terms and provisions of this Part or any prior permit issued thereunder.

(Ord. 14-95, 12/21/1995, §4)

§13-805. Cancellation of Permits.

Any permit granted hereunder may be canceled after issuance if any of the reasons for prior refusal should be discovered or become apparent during the solicitation period.

(Ord. 14-95, 12/21/1995, §5)

§13-806. Permits for Charitable Literature Distribution.

It shall be unlawful for a charitable organization to distribute literature or any other article within the limits of the City of Hermitage, whether or not solicitation for money or anything of monetary value is involved, without first applying for and obtaining a permit in accordance with §13-803 through §13-805 set forth above for charitable solicitation.

(Ord. 14-95, 12/21/1995, §6)

§13-807. Appeals.

Within 10 days after notice of the action has been mailed and hand delivered, the applicant shall notify the City Manager or his designee in writing of his intent to contest said action. Within 30 days after receipt of said notice to contest, the Board of Appeals of the City of Hermitage shall hold a hearing on the appeal petition and render a decision or may institute a proceeding for temporary, preliminary and permanent injunction to restrain the denied solicitation or distribution in a court of competent jurisdiction, which action shall be governed by the applicable rules of procedure and the time limits thereunder.

(Ord. 14-95, 12/21/1995, §7; as amended by Ord. 11-98, 9/23/1998)

§13-808. Issuance of Permits.

Upon issuance of a permit, the City Manager or his designee shall note his/her approval in the Registry Book and shall, at that point, authorize issuance to the applicant or any agent or representative of the applicant who will participate under the permit, an identification card, which card shall state the applicant's name, address, sex, height, color of hair and eyes and full name of the charitable organization which he or she represents.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

(Ord. 14-95, 12/21/1995, §8)

§13-809. Time, Location, Manner and Number of Persons Involved.

When permits for charitable solicitation or charitable literature distribution or a combination of the two are granted, the following rules and standards shall apply:

- A. Location. Such permits shall be restricted to public areas of the City of Hermitage and shall not be construed as permission by any private property owner to conduct said activity on private premises.
- B. Time. Between the dates of May 30 and September 15 permit holders shall be restricted to the hours of 9:00 a.m. and 8:00 p.m. on days of operation. For the remainder of the year permit holders will be restricted to the hours of 9:00 a.m. to 6:00 p.m. on the days of operation.
- C. Manner of Operation.
 - (1) Each person included in a permit shall wear the identification card issued by the City of Hermitage on the upper clothing and in a manner clearly visible to the public. It shall not be transferred to another person and must be returned to the Hermitage Police Department at the expiration of the permit.
 - (2) Each person included in a permit shall not initiate any physical contact with prospective donors unless said donors has either consented to such contact or agreed to make a contribution.
 - (3) Permittees are at all times subject to all laws, statutes and ordinances, Federal, State or local regarding fraud, assault, battery, theft, littering and any other law relating to the conduct of persons in public places.

Note: Section 3545(2) of the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §3545(2), makes it unlawful for any person to “stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.”

(Ord. 14-95, 12/21/1995, §9)

§13-810. Duration and Renewal.

A permit shall expire after 30 days from the date of issuance. A permit may be renewed for successive 30 day intervals if written request for the same is received by the Hermitage Police Department within the period of 10 days prior to the expiration date and the request for renewal contains a statement that the request is predicated on the same information as contained in the original application.

(Ord. 14-95, 12/21/1995, §10)

§13-811. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 14-95, 12/21/1995, §11; as amended by Ord. 11-98, 9/23/1998)